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JAN 18 2013



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**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

BELL INCORPORATED,

Civil Action No.: 13 - 4009

Plaintiff,

v.

GE LIGHTING, LLC,

Defendant.

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff Bell Incorporated (hereinafter "Bell"), through counsel, brings this complaint against Defendant GE Lighting, LLC (hereinafter "GE"), as follows:

JURISDICTION AND VENUE

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.
2. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).
3. Defendant sells and/or supplies infringing products into the District of South Dakota, has a continuing presence within the District of South Dakota by way of the sales of various Defendant products within the District, and has the requisite minimum contacts with the District of South Dakota such that this venue is a fair and reasonable one. Defendant has transacted and, at the time of filing of this Complaint, is continuing to transact business within the District of South Dakota.
4. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

PARTIES

5. Plaintiff is now, and at all times mentioned in this Complaint has been, a South Dakota corporation with a principal place of business at 617 W. Algonquin Street, Sioux Falls, South Dakota 57104.

6. Upon information and belief, Defendant GE Lighting, LLC is a limited liability company of the State of Delaware, having its principal place of business at 1975 Noble Road, Cleveland, Ohio 44122-1719. GE may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

7. Defendant manufactures light bulbs, including light bulbs sold in packages of four light bulbs, which are sold under at least the names "Soft White" and "Extra Soft White" throughout the United States, including the State of South Dakota and this District, and abroad.

THE PATENT IN SUIT

8. On April 15, 2008, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,357,253 ("the '253 Patent") entitled "Package for Lightbulbs and Method of Making Same" to T. Scott, R. La Veau, and R. Scruggs. Plaintiff is the owner of the '253 Patent. A true and correct copy of the '253 Patent is attached at Exhibit A of this Complaint.

9. As it pertains to this lawsuit, the '253 Patent, generally speaking, pertains to packaging, and a blank for producing a package, that is suitable to enclose, support, and protect, multiple light bulbs.

FIRST CLAIM FOR RELIEF: INFRINGEMENT OF U.S PATENT NO. 7,357,253

10. Defendant has been and is still infringing one or more claims of the '253 Patent by making, using, selling, importing, exporting or offering to sell in the United States packages of multiple light bulbs under many "sku" numbers (by way of one example, such as those sold under the "Soft White" or "Extra Soft White" brand name or description, e.g. Soft White 75W incandescent replacement bulbs, Res. #1077975 and Extra Soft White 75W incandescent General Purpose A19 Bulbs, Res. #1093872), which embody, incorporate or otherwise practice the claimed inventions of the '253 Patent.

11. As a direct and proximate result of Defendant's infringement of the '253 Patent, Plaintiff has been and continues to be damaged in its business and property, including the loss of revenues in an amount to be determined at trial.

12. Defendant has caused damage by its acts of infringement of the '253 Patent, and Defendant will cause additional damage and irreparable harm unless the Court enjoins Defendant from continuing such infringing acts and initiating such acts in the future.

JURY DEMAND

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAAYER FOR RELIEF

WHEREFORE, by reason of the forgoing, Bell respectfully requests this Court enter judgment against Defendant GE Lighting, LLC and that the Court grant Plaintiff the following relief:

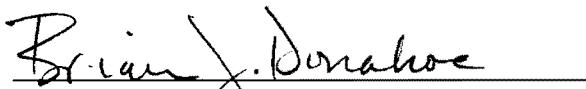
- (a) Judgment that one or more claims of the '253 Patent have been infringed and continue to be infringed, either literally and/or under the doctrine of equivalents by Defendant;

- (b) Judgment that Defendant account for and pay to Plaintiff all damages and costs sufficient to compensate Plaintiffs for Defendant's infringing activities and other conduct complained of herein;
- (c) That Defendant's infringement be found to be willful from the time Defendant became aware of the infringing nature of its products, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- (d) That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- (e) That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285;
- (f) That Defendant be permanently enjoined from an further activity or conduct that infringes one or more claims of the '253 Patent; and
- (g) That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: January 18, 2013

Respectfully submitted,

CUTLER & DONAHOE, LLP



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